

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Comment Sought on July 31, 1998 Letter)
from Personal Communications Industry) DA 98-1687
Association Proposing Streamlining of)
Wireless Regulations)
)
Biennial Regulatory Review -- Amendment)
of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87)
90, 95, 97, and 101 of the Commission's) WT Docket No. 98-20
Rules to Facilitate the Development and)
Use of the Universal Licensing System in)
the Wireless Telecommunications Services)
)
Forbearance from Applying Provisions of)
the Communications Act to Wireless) WT Docket No. 98-100
Telecommunications Carriers)


To: The Commission

COMMENTS

Respectfully submitted,

**AMERICAN MOBILE TELECOMMUNICATIONS
ASSOCIATION, INC.**

By:


Elizabeth R. Sachs, Esq.
Lukas, Nace, Gutierrez & Sachs
111 19th Street, N.W., Suite 1200
Washington, D.C. 20036
(202) 857-3500

Its Counsel

September 23, 1998

The American Mobile Telecommunications Association, Inc. ("AMTA" or "Association"), by its attorneys, and in response to the Federal Communications Commission ("FCC" or "Commission") invitation, respectfully submits its Comments in the above-entitled proceeding.¹ AMTA supports the Part 90 streamlining proposals identified in the PCIA Letter as a limited, but nonetheless useful, step toward eliminating unnecessary or even counter-productive regulatory burdens. However, to the extent that the Commission's limited resources and myriad obligations require it, like all organizations, to prioritize the activities it is able to undertake, the Association urges the FCC to focus its efforts first on broader deregulatory initiatives such as those under consideration in WT Docket No. 98-100.²

I. INTRODUCTION

1. AMTA is a nationwide, non-profit trade association dedicated to the interests of the specialized wireless communications industry. The Association's members include trunked and conventional 800 MHz and 900 MHz Specialized Mobile Radio ("SMR") service operators, licensees of wide-area SMR systems, and commercial licensees in the 220 MHz and 450-512 MHz bands. The operations of these licensees are governed under Part 90 of the FCC's Rules and would be benefitted by the streamlining of those requirements as proposed by PCIA. Thus, the Association has an interest in the outcome of this proceeding.

II. DISCUSSION

2. The instant proposal was submitted by PCIA subsequent to the Commission's denial of that association's request for extensive forbearance relief for broadband Personal

¹ Public Notice, Wireless Bureau Seeks Comment on July 31, 1998 Letter from Personal Communications Industry Association Proposing Streamlining of Wireless Regulations (rel. Aug. 21, 1998) ("PCIA Letter").

² Memorandum Opinion and Order and Notice of Proposed Rulemaking, WT Docket No. 98-100 (rel. July 2, 1998) ("Further Forbearance Proceeding").

Communications Services ("PCS").³ The Letter reiterated PCIA's disappointment that the Commission found itself unable to support a Section 10 forbearance approach in respect to any of the areas addressed in PCIA's original request.

3. AMTA shares that disappointment. As described in its Comments in the Further Forbearance Proceeding, the Association is persuaded that the standard for relief enacted by Congress is more than adequate to support a finding that forbearance is warranted for a broad panoply of CMRS regulatory obligations. AMTA encourages the Commission to complete its action on the Further Forbearance Proceeding as expeditiously as possible, and to retain only those requirements actually needed to protect consumer interests that currently are, or reasonably would be expected to be, inadequately protected by marketplace competition.⁴

4. The relief requested by PCIA herein is substantially more limited. The PCIA Letter proposes elimination or streamlining of regulatory obligations applicable to various wireless services, and divides its recommendations into three categories: rule changes that already have been subject to comment in the FCC's Universal Licensing System ("ULS") proceeding,⁵ administrative rules which may be changed without notice and comment, and rule changes that may be changed or eliminated only after public notice and comment.

5. AMTA supports the Part 90 streamlining proposed in the Letter.⁶ To the extent

³ Memorandum Opinion and Order, FCC 98-134 (July 2, 1998) ("Forbearance Denial"). Although PCIA requested forbearance for broadband PCS licensees only, AMTA and other parties urged the FCC to extend its consideration to other Commercial Mobile Radio Services ("CMRS") such as SMR and other Part 90 carriers.

⁴ See AMTA Comments, WT Docket No. 98-100, filed Aug. 3, 1998.

⁵ Notice of Proposed Rulemaking, WT Docket No. 98-20, FCC 98-25 (rel. Apr. 7, 1998) ("ULS Proceeding").

⁶ AMTA's position herein addresses only two-way Part 90 radio systems, not paging operations. The Association takes no position on the appropriateness of the streamlining

these changes can be implemented promptly and without diverting personnel and resources from other, more vital deregulatory efforts, doing so could have only a salutary effect. Unlike the forbearance relief requested by AMTA and others in the Further Forbearance Proceeding, as well as in other, outstanding FCC rulemakings, adoption of the instant PCIA proposals are likely to have little, if any, impact on the operator's ability to provide competitive services to customers or positively affect its bottom line. Nonetheless, it is always appropriate to clear out "regulatory underbrush", particularly in light of the ever-increasing number of federal and state obligations being imposed on even the very smallest Part 90 telecommunications carriers. In AMTA's opinion, favorable action on the PCIA Letter will do little to shift the current imbalance between regulatory requirements and public interest benefits, but any paperwork relief is better than none -- if it does not detract in any way from the Commission's consideration of the competition-threatening concerns raised by AMTA and other interested parties in the Further Forbearance and other ongoing proceedings.

III. CONCLUSION

6. For the reasons set forth above, AMTA recommends that the FCC adopt rules consistent with the PCIA Letter.

proposed for on-way or two-way paging systems.

CERTIFICATE OF SERVICE

I, Linda J. Evans, a secretary in the law office of Lukas, Nace, Gutierrez & Sachs, hereby certify that I have, on this September 23, 1998, caused to be hand delivered a copy of the foregoing Comments to the following:

Chairman William E. Kennard
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Commissioner Susan Ness
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

Commissioner Harold Furchtgott-Roth
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

Commissioner Michael Powell
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

Commissioner Gloria Tristani
Federal Communications Commission
1919 M Street, N.W., Room 826
Washington, D.C. 20554

Christopher J. Wright, General Counsel
Federal Communications Commission
1919 M Street, N.W., Room 614
Washington, D.C. 20554

Daniel Phythyon, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Gerald Vaughan, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Rosalind K. Allen, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Kathleen O'Brien Ham, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Jeanine Poltronieri, Associate Bureau Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Steve Weingarten, Chief
Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2100 M Street, N.W., 7th Floor, Room 24
Washington, D.C. 20554

Diane Conley, Deputy Chief
Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2100 M Street, N.W., 7th Floor, Room 24
Washington, D.C. 20554

D'wana R. Terry, Chief
Public Safety & Private Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8010
Washington, D.C. 20554

Ramona Melson, Chief
Policy and Rules Branch
Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2100 M Street, N.W., 7th Floor, Rm. 101A
Washington, D.C. 20554

David Furth, Co-Chair
Universal Licensing Task Force
Federal Communications Commission
2025 M Street, N.W., Room 5322
Washington, D.C. 20554

*Timothy Fain
OMB Desk Officer
10236 NEOB, 725 - 17th Street, N.W.
Washington, D.C. 20503

*S. Jenell Trigg
Asst. Chief Counsel, Telecommunications
Office of Advocacy
U.S. Small Business Administration
409 Third Street, S.W.
Washington, D.C. 20416

*Mary McDermott
PCIA
500 Montgomery Street, Suite 700
Alexandria, VA 22314

International Transcription Services, Inc.
1919 M Street, N.W., Room 246
Washington, D.C. 20554


Linda J. Evans

*Via First-class Mail